

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Inventors: Wolf B. FROMMER *et al.*

Application No.: 09/913,767

Filed: January 10, 2002

For: NUCLEIC ACIDS THAT CODE FOR A  
NUCLEOBASE TRANSPORTER



Group Art Unit: 1646

Examiner: Ibrahim, M.A.

**INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Dear Sir:

Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449, which were cited in an Office Action by the German Patent Office for the counterpart German application. Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

04/20/2005 HALI11 00000015 09913767

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C:1806  
FC:1806  
180.00  
1-WA/2373516.1

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: April 18, 2005

  
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Bonnie Weiss McLeod  
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FORM PTO-1449 (modified)  
 To: U.S. Department of Commerce  
 (PW FORM PAT-1449)  
 Patent and Trademark Office

Atty.  
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M#

Client Ref.

056100-5039-US

**INFORMATION DISCLOSURE STATEMENT  
 BY APPLICANT**



Applicant: Wolf B. FROMMER et al.

Appln. No.: 09/913,767

Filing Date: February 25, 2003

Examiner: Ibrahim, M.A. Group Art Unit: 1645

Date: April 15, 2005

Page 1 of 1

**U.S. PATENT DOCUMENTS**

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
AR						
BR						
CR						
DR						
ER						
FR						
GR						
HR						
IR						

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date MM/YYYY	Country	Applicant Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
JR								
KR								
LR								
MR								
NR								

**OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)**

OR	Frommer et al., "Seed and vascular expression of a high-affinity transporter for cationic amino acids in <i>Arabidopsis</i> , Proc. Natl. Acad. Sci. USA, 92:12036-12040 (December 1995)	X
PR	Detke, "Cloning of the <i>Candida albicans</i> nucleoside transporter by complementation of nucleoside transport-deficient <i>Saccharomyces</i> , Abstract from Yeast, 14:1257-65 (October 1998)	X
QR		
RR		
SR		
TR		

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.